

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SEAN O'MALLEY,

Plaintiff,

CASE NO. 08-11595

HON. LAWRENCE P. ZATKOFF

v.

CITY OF FLINT and
GARY HAGLER,

Defendants.

ORDER TO REMAND IN PART

Plaintiff filed his Complaint in the Genesee County Circuit Court on February 21, 2008. Defendants timely removed the action to this Court on April 14, 2008, based on federal-question jurisdiction under 28 U.S.C. § 1331 and the Court's pendent jurisdiction. Plaintiff's Complaint contains the following eight counts:

Count I	False Arrest;
Count II	False Imprisonment;
Count III	Violation of Michigan Constitution art. 1 § 11;
Count IV	Violation of the 4th Amendment;
Count V	Violation of the 5th Amendment;
Count VI	Violation of the 14th Amendment;
Count VII	Vicarious Liability; and
Count VIII	Violation of 42 U.S.C. § 1983.

The Court has subject-matter jurisdiction over Counts IV, V, VI, and VIII because they arise under federal law. 28 U.S.C. § 1331. The Court also has subject-matter jurisdiction over Count VII to the extent that it implicates Counts IV, V, VI, and VIII. *See id.* Counts I–III, however, are based

on state law. Although the Court has supplemental jurisdiction over state-law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are “compelling reasons for declining jurisdiction.” *Id.* § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff’s state-law claims in this matter. The Court finds that the contemporaneous presentation of Plaintiff’s parallel state claims for relief will result in the undue confusion of the jury. *See id.*; *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff’s state-law claims (Counts I–III) are hereby REMANDED to the Genesee County Circuit Court. The Court retains jurisdiction over Plaintiff’s federal claims (Counts IV, V, VI, VIII, and Count VII to the extent it implicates Counts IV, V, VI, and VIII).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: May 2, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on May 2, 2008.

s/Marie E. Verlinde

Case Manager
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